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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/557,264

Applicant(s)

OKITA ET AL.

Examiner

Greg Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-10,13,14,16,19-22 and 24-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1,4-10,13,14,16,19-22 and 24-26 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This action is responsive to amendment of application filed 9/19/2002.
2. The disposition of the claims is as follows: claims 1, 4-10, 13, 14, 16, 19-22 and 24-26 are pending in the application. Claims 2, 3, 11, 12, 15, 17, 18 and 23 were cancelled. Claims 24-26 were newly added. Claims 1, 9, 13 and 24-26 are independent claims.
3. The group and/or Art Unit location of your application has changed. To aid in the correlation of any papers for this application, all further correspondence should be directed to Group Art Unit 2676 (effective 10/02). Please be sure to use the most current art unit number on all correspondence to help us route your case and respond to you in a timely fashion.

### ***Oath/Declaration***

4. In light of applicant's comments, objection is withdrawn.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- ✓ 6. Claims 1, 13, and 24-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 13, and 24-26 can also be implemented by using a simple hand-drawn map, wherein the map has various types of charted roads and their associative cumulative and/or intermediate mileages respectively overlayed between intersections and arrows. For example a Pennsylvania Official Transportation and Tourism Map,

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whereby the representative roads suggest workflow paths for travel (executing the workflow) with associative statistical mileage. For claim 24, the exemplified map shows collected information with the number of times a step (path, road) in the workflow is executed (traveled) as the number of times being one. For claim 25, if the speed limit for one leg of the map is 60 mph, then the displayed mileage indicates the execution time required to complete that segment. Or consider in the movie "Hunt for Red October" where the submarine "Red October" traversed a Pacific Ocean trench using a stop watch (execution time) and compass. For claim 26, a proposed construction road segment would be considered one exception. Nowhere in claims 1, 13, and/or 24-26 is reference made to a method being performed by a computer system, display, and/or software.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1, 13 and 14 are rejected under 35 U.S.C. 102(a) as being disclosed by InfoNet.

A. Per amended claim 1, "A method of displaying information relating to a workflow comprising the steps of: executing the workflow; gathering statistical information relating to the execution of the workflow; displaying a workflow diagram; and overlaying the gathered information over the workflow diagram, wherein the overlaid information indicates workflow statistics for various steps displayed in the workflow diagram" is disclosed by InfoNet at "IDIA member Digital XPress (DXP) in Denmark reports on an interesting use of the internet/intranet

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for distributing internal information to staff, collecting workflow statistics, and supporting clients with online verification of how their job is progressing "executing the workflow". The company employs about 30 people, and runs a 24-hour operation.

### **Client support crucial**

DXP deals with several major clients with critical printing demands. One is the largest grocery retailer in Denmark, and the other is Eureka, a framework through which industry and research institutes from 25 European countries and the European Union develop and exploit technologies. DXP is producing project sheets for Eureka that are continually updated and reprinted. When dealing with deep discounts as is often the case for very large clients, DXP has based the very heart of their business on internal structure, organization, providing top-notch service, and documenting problems in the workflow (both the client's and their own) so that they can be quickly addressed.

### **Knowledge sharing software**

Infonet is custom software developed by DXP to gather necessary information "gathering statistical information relating to the execution of the workflow" and to keep everyone, both internally and externally, aware of every project detail. iCOO (interim, per Apple!) Bo Astrup gave this editor a guided tour through the most inner workings of the software. We were online to the intranet display of Infonet and in simultaneous voice communication over the telephone for this interview. While several U.S. shops are attempting similar undertakings using FileMaker Pro, Infonet has been in place for two years and has evolved as a trusted tool at the center of the company's production. Bo calls it "knowledge sharing software", also valuable for cost estimating, load balancing and invoicing. Internally, DXP employees will check in with Infonet

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for the latest company news, messages from coworkers and clients, and information specific to their tasks for the day. A list for staff out of the plant and a calendar of client tours including who is responsible adds to a quick overview of the day. If a project requires special handling, that information will be posted and available to everyone who needs it. This will include "nice-to-know" information such as whether the clients prefers PC or Mac files, delivery information, and special wishes to please the customer.

### **Deadline complaints tracked**

On very complex projects for one major client involving large numbers of scans and tight deadlines, DXP struggled with whether they were meeting two-day scanning deadlines and if not, who was at fault. After tracking the workflow and discussing complaints with the customer, they realized that the client considered the clock running from the moment the order was called in, not when the transparency was actually delivered. Now, a list of deadlines (both the client's and those of DXP) are kept as part of a chart "displaying a workflow diagram" which will then tell you where bottlenecks are happening and who is responsible. The chart details percentages of material delivered by the client by the projected deadline, and percentages which are delivered late, "overlaying the gathered information over the workflow diagram, wherein the overlaid information indicates workflow statistics for various steps displayed in the workflow diagram" day-by-day. It then charts percentages of deadlines made and missed by DXP day-by-day. Those statistics are available to the client as well as DXP, and can be feed into Excel for further review.

### **Other company services available**

Standardized company letters and forms are also available via Infonet, completely formatted with logos and approved wording in Microsoft Word. The employee edits the appropriate letter,

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fills in specific information, and prints. The software provides a list of completed projects, many of which are repurposed or revised continually. It places data in the hands of both the client and DXP employees, guiding them to storage statistics. Another section covers where supplies are purchased and who to contact if something goes wrong .

#### **Client access via password**

The client is limited by passwords to areas of the software specific to their own work. They are able to follow the progress of a project through the shop or view a list of completed projects, determining when to update or reuse material stored by DXP. A "how-to" section of tips is also accessible for clients. This area is designed to assist with work in Illustrator, Photos-hop, or other popular applications.

#### **Optimizing company procedures**

After two years of tweaking, Infonet has become valued by management and employees alike. Bo comments that he feels the only way to survive in an increasingly competitive atmosphere is to optimize processes. Infonet is a commercially-available product that is sold as is, as custom development or as sourcecode."

B. Per amended claim 13, "A method of collecting information relating to a workflow comprising the steps of: executing the workflow; collecting statistical information relating to the execution of the workflow; displaying a workflow diagram of the workflow being executed; and overlaying the statistical information on the workflow diagram" is disclosed, supra for claim 1. Wherein "collecting statistical information" and "gathering statistical information" are equivalent.

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C. Per claim 14, “The method of claim 13 further comprising the step of displaying the collected information” is disclosed, supra for claim 13. Particularly at “Now, a list of deadlines (both the client’s and those of DXP) are kept as part of a chart “displaying a workflow diagram” which will then tell you where bottlenecks are happening and who is responsible. The chart details percentages of material delivered by the client by the projected deadline, and percentages which are delivered late, “overlaying the gathered information over the workflow diagram, wherein the overlayed information indicates workflow statistics for various steps displayed in the workflow diagram” day-by-day. It then charts percentages of deadlines made and missed by DXP day-by-day. Those statistics are available to the client as well as DXP, and can be feed into Excel for further review.”

9. Claims 24-26 are rejected under 35 U.S.C. 102(a) as being disclosed by Pennsylvania Official Transportation and Tourism Map.

A. Per claim 24, “A method of collecting ... number of steps ... and displaying the collected information” is disclosed by Pennsylvania Official Transportation and Tourism Map, wherein the map has various types of charted roads and their associative cumulative mileage between points and intermediate mileages between towns and roads respectively overlayed (see Key to Map Symbols). For example the Pennsylvania Official Transportation and Tourism Map, whereby the representative roads suggest workflow paths for travel (executing the workflow) with associative statistical mileage. Moreover the exemplified map shows collected information with the number of times a step (path, road) in the workflow is executed (traveled) as the number of times being one.



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B. Per claim 25, “A method of collecting ... includes execution time of one or more steps ... and displaying the collected information” is disclosed, supra for claim 24. Furthermore if the speed limit for one leg of the map is 60 mph, then the displayed mileage indicates the execution time required to complete that segment. Or consider in the movie “Hunt for Red October” (was released in US theaters on March 2, 1990) where the submarine “Red October” traversed a Pacific Ocean trench using a stopwatch (execution time) and compass.

C. Per claim 26, “A method of collecting ... includes number of exceptions encountered ... and displaying the collected information” is disclosed, supra for claim 24. Furthermore a proposed construction road or road under construction segment shown on the map is an exception to the route of travel (workflow).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4, 5, 16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over InfoNet as applied to claims 1 and 13 above, and further in view of Official Notice.

A. Per claim 4, “The method of claim 1, wherein the overlaid information indicates the number of times a certain step was executed” is disclosed by Official notice taken that the art is replete with road maps, wherein the map has various types of charted roads (displaying a

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workflow diagram) and their associative cumulative and/or intermediate mileages (gathering statistical information relating to the execution of the workflow) respectively overlaid between intersections and arrows (overlaying the gathered information over the workflow diagram, wherein the overlaid information indicates workflow statistics for various steps displayed in the workflow diagram). For example a Virginia Official State Transportation Map, whereby the representative roads suggest workflow paths for travel (executing the workflow) with associative statistical mileage. Moreover for traversing a single mile (certain step) the mileage is indicative of the number of times a certain step is executed.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagrams disclosed by InfoNet in combination with mapping disclosed by Official Notice, and motivated to combine the teachings because it would be nice-to-know information as revealed in InfoNet, p. 2, sixth paragraph.

B. Per claim 5, “The method of claim 1, further comprising the step of: selectively overlaying the gathered information over the workflow diagram” is disclosed, supra for claim 4. Particularly at “and their associative cumulative and/or intermediate mileages” (selective overlay).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagrams disclosed by InfoNet in combination with mapping disclosed by Official Notice, and motivated to combine the teachings because it would be nice-to-know information as revealed in InfoNet, p. 2, sixth paragraph.

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C. Per dependent claim 16, this is directed to a method for performing the method of dependent claim 4, wherein “collecting statistical information” and “gathering statistical information” are equivalent, and therefore is identically rejected to dependent claim 4.

D. Per claim 19, “The method of claim 13, wherein the collected statistical information includes the execution time of one or more steps” is disclosed, supra for claim 13, and Official Notice that if the speed limit for one leg of the map is 60 mph, then the displayed mileage indicates the execution time required to complete that step. Or consider in the movie “Hunt for Red October” where the submarine “Red October” traversed a Pacific Ocean trench using a stop watch (execution time) and compass for each leg (step) of the route.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagrams disclosed by InfoNet in combination with timing disclosed by Official Notice, and motivated to combine the teachings because it would be nice-to-know information as revealed in InfoNet, p. 2, sixth paragraph.

E. Per claim 20, “The method of claim 13, wherein the collected statistical information includes the number of exceptions encountered during execution of the workflow” is disclosed, supra for claim 13, and Official Notice that a proposed construction road segment would be considered one exception as shown on an road map with designated routes with point-to-point and accumulated mileages.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagrams disclosed by InfoNet in combination with proposed construction road segments disclosed by Official Notice, and motivated to combine the

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teachings because it would be nice-to-know information as revealed in InfoNet, p. 2, sixth paragraph.

F. Per dependent claim 21, this is directed to a method for performing the method of dependent claim 4, wherein “number of miles” and “raw number” are equivalent, and therefore is identically rejected to dependent claim 4.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagrams disclosed by InfoNet in combination with proposed construction road segments disclosed by Official Notice, and motivated to combine the teachings because it would be nice-to-know information as revealed in InfoNet, p. 2, sixth paragraph.

12. Claim 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over InfoNet as applied to claims 1 and 5 above, and further in view of InConcert, third other reference of IDS.

A. Per claim 6, “The method of claim 5, wherein the information is selectively displayed by positioning a pointer over the display” is disclosed, supra for claim 5, and by InConcert at “Standard desktop applications, as well as custom or tailored applications, can be easily integrated and launched with the click of a mouse (pointer)”.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagrams disclosed by InfoNet in combination with custom and tailor applications via click of a mouse disclosed by InConcert, and motivated to combine the teachings because it would automate and manage complex business processes as revealed in InConcert, p. 1, first sentence.

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B. Per claim 7, “The method of claim 1, further comprising the step of color coding the displayed information” is disclosed, supra for claim 1. Although InfoNet does not appear to disclose “further comprising the step of color coding the displayed information”, InConcert does inherently imply this as disclosed on page 1 at “Accesses and tracks any type of data (text, graphics, images, spreadsheets, video)”.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagrams disclosed by InfoNet in combination with any type of data disclosed by InConcert, and motivated to combine the teachings because it would automate and manage complex business processes as revealed in InConcert, p. 1, first sentence.

C. Per claim 8, “The method of claim 7, wherein the information is color coded based on threshold values” is disclosed, supra for claim 1. Although InfoNet does not appear to disclose “wherein the information is color coded based on threshold values”, InConcert does inherently imply this as disclosed on page 1 at “Accesses and tracks any type of data (text, graphics, images, spreadsheets, video)”. Furthermore, supra, in Official Notice reference to mapping associative cumulative and/or intermediate mileages are color-coded wherein cumulative mileages are shown in red while intermediate mileages are shown in black (threshold of single point-to-point or multipoint).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagrams disclosed by InfoNet in combination with any type of data disclosed by InConcert, and motivated to combine the teachings because it would automate and manage complex business processes as revealed in InConcert, p. 1, first sentence.

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13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over InfoNet as applied to claim 1 above, and further in view of Du (US Patent Number 6,052,684).

A. Per claim 9, “A workflow system comprising: a workflow server engine for ... on the display” is disclosed by InfoNet, supra for claim 1. Although InfoNet does not appear to disclose “a workflow server engine” Du does in col. 4, lns. 26-31 at “Optionally, workflow process activity information, such as resource data and rules, can be stored in a database on a centralized WFPM server 17 which is accessible by the computer systems 12a-d over the network 11 or can be stored in a plurality of databases on each of the computer systems 12a-d.”

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagrams disclosed by InfoNet in combination with any workflow server engine disclosed by Du, and motivated to combine the teachings because it would allow concurrent execution of workflow activities as revealed in Du, col. 2, lns. 26-27.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over InfoNet and Du (US Patent Number 6,052,684) as applied to claim 9 above, and further in view of Okita et al., (US Patent Number 6243092), hereafter Okita.

A. Per claim 10, “The workflow system of claim 9, wherein the display device is a workflow editor” is disclosed, supra for claim 9. However InfoNet and Du do not appear to disclose “wherein the display device is a workflow editor”, but Okita does in col. 3, lns. 13-17 at “The present invention includes a graphical application workflow editor that simplifies the creation and modification of application workflows, and reduces the time required to create business applications.”

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow process execution disclosed by Info Net and Du in combination with “workflow editor” disclosed by Okita.

15. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over InfoNet as applied to claim 13 above, and further in view of Borg et al. (U. S. Patent Number 5,835,898), hereafter Borg.

Per claim 22, “The method of claim 13, wherein the collected statistical information is displayed as a percentage” is disclosed by InfoNet, supra for claim 13. In as much as InfoNet discloses, “wherein the collected statistical information is displayed as a percentage” at “ It then charts percentages of deadlines made and missed by DXP day-by-day”, Borg furthermore discloses in col. 11, lns. 30-40 at “The utilization indicators now show the utilization percentage of each work center on the shop overview image as illustrated in FIG. 2c. The display-shop-overview process 120 also displays the percentage value next to the utilization indicator and in the status bar, along with other information as described above. If the user so desires, he or she can request another refresh operation using a different time period, and the display-shop-overview process 120 repeats the functional steps shown in blocks 320, 325, 330, and 310. Otherwise, the software program 103 returns to the work flow shown in FIG. 4 at decision block 125.”

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow process execution disclosed by Info Net in combination with “workflow percentage” disclosed by Borg and motivated to combine because it gives an

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advantage of the visual schedule management system in that it accomplishes all of the report-based tasks of the prior art through on-line, graphical displays and models the methods most job shops use currently as revealed in col. 4, lns. 12-15.

***Response to Arguments***

16. Applicant's arguments with respect to claims 1, 4-10, 13, 14, 16, 19-22 and 24-26 have been considered but are moot in view of the new ground(s) of rejection.

***Responses***

17. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 308-6606 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

***Inquiries***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks



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Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

*J. F. Cunningham*

November 25, 2002

gfc

*Matthew C. Bella*

Matthew C. Bella  
Primary Examiner